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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,343	12/23/2003	Samir Raiyani	13909-137001 / 2003P00366	4701
32864 7590 12/02/2008 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER AMSDALL, DANA	
			ART UNIT 3627	PAPER NUMBER
			NOTIFICATION DATE 12/02/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

Office Action Summary	Application No.	Applicant(s)	
	10/743,343	RAIYANI ET AL.	
	Examiner	Art Unit	
	DANA AMSDELL	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 47-57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 47-57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 12-23 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/26/2004, 1/31/2005 and 7/11/2005</u> . | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of claims 1-11 in the reply filed on 9/3/2008 is acknowledged. The traversal is on the ground(s) that these claims are not distinct/ or independent from claims 12-23. This is not found persuasive because as stated, claims are drawn to a specific application of a control system and, hence a separate area of examination. For example, examination of the two independent claims, claim 1 being a system directed to the receipt and format determination of data; and claim 12 being a method directed to a control system for communication output.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-11 and 47-57 are rejected under 35 U.S.C. 102(e) as being anticipated by Ebert et al. (US 2003/0227392), here-in "Ebert".

The applied reference has both a common assignee and inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

3. Regarding claims 1 and 47 being the system and method directed to the same, Ebert teaches:

- an electronic device operable to receive job data in a selected one of a plurality of available input modalities (fig. 1, elm. 110, ¶0023 and ¶0143);
- an inventory database operable to store inventory data that includes count information and location information for each of a plurality of items (¶ 0111 – ‘notion of an item includes everything normally implied when an item appears on a bill of material.. includes.. location’, ¶ 0115 – ‘record in a database’, and ¶0425 – ‘list of item types and quantities’);

wherein the inventory data is accessible in a plurality of formats, each of the formats being compatible with one of the available input modalities (¶0021 – “the architecture is open to any kinds of data sources, including all kinds of sensors and scanners...);

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- a format determination system operable to input inventory data in a received one of the formats and determine corresponding inventory data in remaining ones of the formats (§0017); and
- a server operable to receive the job data in the received format, communicate with the format determination system to determine the remaining formats, and output updated inventory data to the electronic device for response thereto in any one of the available input modalities, such that the inventory data is maintained during performance of inventory management tasks Fig. 34, elm. 3410 and §0576 - §0578).

4. Regarding claims 2 and 48, Ebert teaches wherein the job data is related to a task performed by a worker in a warehouse, and the inventory data includes a listing of a subset of the plurality of items to be distributed, selected, or counted by the worker (§0020).

5. Regarding claims 3 and 49, Ebert teaches wherein the updated inventory data includes a revision of the listing, based on the job data and reflecting an action of the worker in performing the task (fig.15, elm 1502, and § 0205).

6. Regarding claims 4 and 50, Ebert teaches wherein a first input modality of the plurality of input modalities is associated with an auto-identification signal for identifying

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a distributed, selected, or counted item associated with the task (§ 0112).

7. Regarding claims 5 and 51, Ebert teaches comprising a container carried by the worker that is equipped with a reader for reading the auto-identification signal (§ 0199 – ‘container..’).

8. Regarding claims 6 and 52, Ebert teaches wherein the electronic device includes a mobile device carried by a worker in a warehouse during performance of the warehouse management tasks (§ 0199 – ‘hand-held wireless device’).

9. Regarding claims 7 and 53 wherein the electronic device includes a stationary device that is co-located with one of the plurality of items (§ 0199 – ‘Readers can be positioned..’).

10. Regarding claims 8 and 54 Ebert teaches further:

- a first gateway associated with a first input modality of the plurality of input modalities associated with a first format of the plurality of formats; and
- a second gateway associated with a second input modality of the plurality of input modalities associated with a second format of the plurality of formats, wherein the server is further operable to communicate with the electronic device through the first gateway and the second gateway, such that the job data, inventory data, and updated inventory data are synchronized across the first

input modality and the second input modality during communications between the server and the electronic device (¶0131, fig. 12, and ¶0193).

11. Regarding claims 9 and 55, Ebert teaches wherein the first input modality is associated with voice inputs and the first format includes Voice Extensible Markup Language (VXML) (¶ 0122 and ¶ 0143 – ‘XML-based, voice controlled..’).

12. Regarding claims 10 and 56, Ebert teaches wherein the second input modality is associated with Radio Frequency Identification (RFID) signal inputs and the second gateway includes a RFID gateway (¶0124 and ¶0150).

13. Regarding claims 11 and 57, Ebert teaches wherein the second input modality is associated with a Hyper Text Markup Language (HTML) page, and the second format is HTML (¶ 0143).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure are:

- Chung et al. (US 6115686)
- Sharma et al. (US 7054818)

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- Weng et al. (US 7203907)
- Maes (US 7415537)
- Can et al. (US 2002/0038267)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANA AMSDELL whose telephone number is (571)270-5210. The examiner can normally be reached on 5/4/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

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